

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Charles Richard Simpson,

Case No. 3:23-cv-943

Petitioner,

v.

ORDER

Harold May, Warden,

Respondent.

Before me is the March 26, 2024 Report and Recommendation of Magistrate Judge Carmen E. Henderson, recommending I dismiss *pro se* Petitioner Charles Richard Simpson's petition for a writ of habeas corpus under 28 U.S.C. § 2254 because his petition was not filed within the one-year statute of limitations and Simpson is not entitled to equitable tolling.¹ (Doc. No. 14).

Under the relevant statute, "[w]ithin fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court." 28 U.S.C. § 636(b)(1); *United States v. Walters*, 638 F.2d 947, 949 (6th Cir. 1981). The deadline to file objections was April 9, 2024. The petitioner has not filed any objections and that deadline has passed.

The failure to file written objections to the Magistrate Judge's Report and Recommendation constitutes a waiver of a determination by the district court of an issue covered in the report.

Thomas v. Arn, 728 F.2d 813, 815 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also Walters*, 638 F.2d

¹ Simpson currently is incarcerated at Mansfield Correctional Institution in Mansfield, Ohio, where Harold May is the warden. The Clerk of Court is instructed to substitute May as the respondent in this case. *See* Fed. R. Civ. P. 25(d).

at 950; *Smith v. Detroit Fed'n of Teachers, Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (“[O]nly those specific objections to the magistrate’s report made to the district court will be preserved for appellate review”).

Following my review of the Magistrate Judge’s Report and Recommendation, I accept Judge Henderson’s recommendation and dismiss the petition. Further, I certify there is no basis on which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed. R. App. P. 22(b).

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge